

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

William T. Coleman, # 287408,)	C/A No.: 1:12-1916-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
York County Detention Center; and)	
Sgt. Khatari McMillan,)	
)	
Defendants.)	
)	

The *pro se* plaintiff in this matter, William T. Coleman, has filed an action alleging violations under 42 U.S.C. § 1983. The plaintiff filed this action in *forma pauperis* under 28 U.S.C. § 1915. He is currently housed at the South Carolina Department of Corrections.

The Magistrate Judge¹ assigned to this action has prepared a thorough Report and Recommendation suggesting that the complaint should be dismissed as to the York County Detention Center. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

The plaintiff was advised of his right to file objections to the Report and Recommendation, however he failed to file objections thereto. In the absence of specific objections to the Report, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

¹

The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

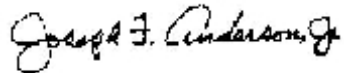
The Magistrate Judge properly opines that the York County Detention Center is not a proper defendant in this case because it is not a person and cannot be held liable under § 1983.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper and incorporates the Report herein by reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process as to defendant York County Detention Center. The Clerk shall return this file to the Magistrate Judge for service on the remaining defendant.

IT IS SO ORDERED.

July 29, 2013
Columbia, South Carolina

A handwritten signature in black ink, appearing to read "Joseph F. Anderson, Jr.", written in a cursive style.

Joseph F. Anderson, Jr.
United States District Judge